

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DEIVIS SUERO

Plaintiff,

v.

MOTORWORLD AUTOMOTIVE
GROUP, INC., t/b/d/a MOTORWORLD
et. al,

Defendants.

CIVIL ACTION NO. 3:16-cv-00686

(JUDGE CAPUTO)

ORDER

NOW, this 31st day of January, 2017, **IT IS HEREBY ORDERED** that:

- (1) The Motion for Partial Dismissal filed by Defendant Christopher Kovalchick (Doc. 25) is **GRANTED**. Count III is **DISMISSED with prejudice** as to Defendant Kovalchick.
- (2) The Motion to Dismiss filed by Defendant William Smith (Doc. 33) is **GRANTED in part and DENIED in part**.
 - (a) Defendant Smith's Motion to Dismiss Count II is **DENIED**.
 - (b) Defendant Smith's Motion to Dismiss Count III is **GRANTED**. Count III is **DISMISSED without prejudice** as to Defendant Smith. Plaintiff has **fourteen (14) days** from the date of entry of this Order to file an Amended Complaint to properly plead a PHRA claim against Defendant Smith; otherwise, the claim will be **dismissed with prejudice**.
 - (c) Defendant Smith's Motion to Strike Plaintiff's request for punitive damages from Defendant Smith individually for claims brought under 42 U.S.C. § 1981 is **DENIED**.
- (3) The Court **STRIKES** Plaintiff's request for punitive damages from all Defendants for claims brought under the PHRA.
- (4) The Motion for Partial Judgment on the Pleadings (Doc. 38) filed by Defendants Motorworld Automotive Group t/d/b/a Motorworld ("Motorworld"), Jeff Evans, Allan Crawford, Michael Muchnik, and Scott Ashley (collectively,

the “Motorworld Defendants”) is **GRANTED in part and DENIED in part**.

- (a) The Motorworld Defendants’ Motion to dismiss Count I as to all individually named Defendants is **GRANTED**. Count I is **DISMISSED with prejudice** as to Defendants Evans, Crawford, Muchnik, and Ashley, as well as Defendants Kovalchick and Smith.
- (b) The Motorworld Defendants’ Motion to dismiss Count III as to Defendants Evans, Crawford, and Muchnik is **GRANTED**. Count III is **DISMISSED with prejudice** as to Defendants Evans, Crawford, and Muchnik.
- (c) The Motorworld Defendants’ Motion to dismiss as time-barred under the PHRA all allegations of discriminatory conduct occurring before January 16, 2015 is **GRANTED in part and DENIED in part**. The Motion is **DENIED** with respect to Plaintiff’s hostile work environment claim under the PHRA against Defendant Motorworld. The Motion is **GRANTED** with respect to Plaintiff’s claim under 43 P.S. § 955(e) against Defendant Ashley.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge